

## REMARKS

This amendment is in response to the Final Office Action mailed on April 14, 2005 in which claims 1-3, 5, 6, 8-11, 13, 14, and 16-22 were rejected, and the Advisory Action mailed on July 11, 2005. Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

### **I. Rejection of Claims 1-3, 5 and 6 Under 35 U.S.C. 103(a)**

In section 2 of the Final Office Action, the Examiner rejected claims 1-3, 5, and 6 as unpatentable over Dallas (5,916,277) in view of Landamia (6,099,141). With this amendment, Applicants have amended independent claim 1. Claim 1, as amended, recites an ancillary tool and a flashlight coupled to a curved handle where the “curved handle further having an inner curved surface and an outer curved surface, said inner and outer curved surfaces defining a curvature of the curved handle, said inner curved surface including an inner channel,” and wherein “the first light source lights the ancillary tool when both the flashlight and the ancillary tool are in open positions.” The curved handle disclosed in the present application is not an obvious design choice because the curved handle aids in allowing the first light beam to shine past the intended user’s fingers without obstruction to shine on the tool in use. See paragraph [0025]. The cited references do not disclose all of the limitations of the claimed invention, because neither Dallas nor Landamia teach or suggest such a curved handle.

Accordingly, claim 1, as amended, is non-obvious over Dallas in view of Landamia. Applicants respectfully request reconsideration and allowance of independent claim 1 and corresponding dependent claims 2-3 and 5-6.

### **II. Rejection of Claims 8, 13, 14, 16 and 17 Under 35 U.S.C. 103(a)**

In section 3 of the Final Office Action, the Examiner rejected claims 8, 13, 14, 16, and as unpatentable over Dallas in view of Jones (6,162,137). With this amendment, Applicants have amended independent claim 8. Claim 8, as amended, now recites an ancillary tool and a flashlight coupled to a handle “wherein the handle has a generally curved shape

defined by an inner curved surface and an outer curved surface, said inner curved surface being intended to contact a user's fingers when the pocket too is in use, and said inner curved surface including an inner channel for at least partially receiving the ancillary tool; and wherein the handle has a sufficient curvature to allow light from the flashlight to illuminate the ancillary tool without the light being blocked by the intended user's fingers positioned along the inner curved surface."

As stated above, neither Dallas nor Jones teach or suggest such a curved handle. Accordingly, claim 8 is patentable over Dallas in view of Jones. Applicants respectfully request reconsideration and allowance of independent claim 8 and corresponding dependent claims 13, 14, 16, and 17.

### **III. Rejection of Claims 9 and 10 Under 35 U.S.C. 103(a)**

In section 4 of the Final Office Action, the Examiner rejected claims 9-10 as unpatentable over Dallas in view of Jones and further in view of Landamia. Claims 9 and 10 depend from independent claim 8, and, as stated above, Dallas and Jones do not disclose, either separately or in combination, all of the elements of claim 8. Landamia does not overcome the deficiencies of Dallas and Jones as Landamia does not disclose a curved handle.

Accordingly, Applicants respectfully request reconsideration and allowance of dependent claims 9 and 10.

### **IV. Rejection of Claims 18-22 Under 35 U.S.C. 103(a)**

In section 5 of the Final Office Action, the Examiner rejected claims 18-22 as unpatentable over Dallas in view of Landamia and Jones. With this amendment, Applicants have amended independent claim 18. Claim 18, as amended, now recites a "handle having an inner curved surface and an outer curved surface said inner and outer curved surfaces define a curvature of the curved handle and said inner curved surface being intended to contact a user's fingers when the pocket too is in use," and "wherein the curved handle has a sufficient curvature to allow light from the first light source to illuminate the ancillary tool without the

light being blocked by the intended user's fingers positioned along the inner curved surface." Neither Dallas, Landamia, nor Jones teach or suggest such a curved handle.

Accordingly, claim 18 is patentable over Dallas in view of Landamia and Jones. Applicants therefore respectfully request reconsideration and allowance of independent claim 18 and corresponding dependent claims 19-22.

**V. Other Claim Amendments**

Claims 8 and 18 have been amended to remove the limitation "a means for activating the flashlight,-wherein when the means for activating the flashlight is engaged, the means for biasing the flashlight moves the flashlight from the closed position to the open position and the flashlight is turned on." Patentability of these claims does not lie in this limitation, but rather is based on the combination of the curved handle with the other claimed elements.

**CONCLUSION**

Claims 1-3, 5, 6, 8-11, 13, 14, and 16-22 are now pending in this application. Claims 1, 8, and 18 have been amended. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

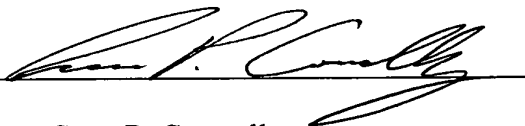
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date September 12, 2005

FOLEY & LARDNER LLP  
Customer Number: 26371  
Telephone: (414) 297-5849  
Facsimile: (414) 297-4900

By   
Sean P. Connolly  
Attorney for Applicants  
Registration No. 56,668